

MONTANA LEGISLATIVE HISTORY

Chapter 464 19 83

Bill H _____ S 415 Original bill & history C

H. Committee on Agriculture Livestock Irrigation S. Committee on Agriculture Livestock Irrigation

Hearing Date(s) Mar 11 ☒ C

Hearing Date(s) Feb 18 ☒ C

Mar 16 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 16 ☒ C

Feb 18 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON TAXATION: 02/15/83
HEARING: 3/2/83
REPORT: 3/2/83, DO PASS

2ND READING: 03/03/83 AYES: 49; NAYS: 0
3RD READING: 03/04/83 AYES: 47; NAYS: 0

TRANSMITTED TO HOUSE: 3/4/83
REFERRED TO COMMITTEE ON TAXATION: 03/07/83
HEARING: 3/18/83
REPORT: 03/22/83, BE CONCURRED IN

2ND READING: 03/23/83, BE CONCURRED IN AYES: 74; NAYS: 1
3RD READING: 03/25/83, BE CONCURRED IN AYES: 93; NAYS: 3

RETURNED TO SENATE: 3/25/83

TRANSMITTED TO GOVERNOR: 03/31/83
SIGNED: 04/05/83, CHAPTER 383

414 -- ELLIOTT, HAGER, CRIPPEN, ET AL. -- TO COUPLE MONTANA'S DEFINITION OF "SMALL BUSINESS CORPORATION" TO THE FEDERAL DEFINITION FOR PURPOSES OF THE CORPORATE LICENSE TAX; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON TAXATION: 02/15/83
HEARING: 2/17/83
REPORT: 02/17/83, DO PASS, AS AMENDED
2ND READING: 02/19/83 AYES: 47; NAYS: 0
3RD READING: 02/22/83 AYES: 48; NAYS: 1

TRANSMITTED TO HOUSE: 02/22/83
REFERRED TO COMMITTEE ON TAXATION: 02/26/83
HEARING: 3/11/83
REPORT: 04/13/83, BE CONCURRED IN, AS AMENDED
2ND READING: 04/14/83, BE CONCURRED IN AYES: 87; NAYS: 2
3RD READING: 04/15/83, BE CONCURRED IN AYES: 92; NAYS: 4

RETURNED TO SENATE WITH AMENDMENTS: 4/15/83
2ND READING: 04/20/83, BE CONCURRED IN AYES: 50; NAYS: 0
3RD READING: 04/21/83, BE CONCURRED IN AYES: 50; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/21/83
SIGNED: 4/28/83, CHAPTER 667

SB 415 -- CONOVER, GRAHAM, BOYLAN -- TO REVISE AND CLARIFY CERTAIN SECTIONS RELATING TO AGRICULTURAL SEED; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 02/15/83
HEARING: 2/18/83
REPORT: 02/18/83, DO PASS
2ND READING: 02/21/83 AYES: 49; NAYS: 0
3RD READING: 02/23/83 AYES: 49; NAYS: 0

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 02/28/83
HEARING: 3/11/83

REPORT: 03/17/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/21/83, BE CONCURRED IN AYES: 81; NAYS: 0
3RD READING: 03/22/83, BE CONCURRED IN AYES: 93; NAYS: 0

RETURNED TO SENATE WITH AMENDMENTS: 3/23/83
2ND READING: 03/30/83 AYES: 49; NAYS: 0
3RD READING: 03/31/83 AYES: 49; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/08/83
SIGNED: 04/13/83, CHAPTER 464

SB 416 -- OCHSNER, CONOVER, BRAND, ET AL. -- TO AMEND THE DEFINITION OF "PREPARATORY WORK" IN THE STRIP AND UNDERGROUND MINE SITING ACT

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 02/15/83
HEARING: 2/18/83
MINORITY REPORT: 02/19/83, DO PASS. AYES: 23; NAYS: 25. FAILED.
MAJORITY REPORT: 02/19/83, DO NOT PASS. AYES: 29; NAYS: 17. REPORT
ADOPTED.
ON MOTION, 2/21/83, THAT THE MINORITY REPORT BE RECONSIDERED AND THAT THE BILL BE
PLACED ON SECOND READING. MOTION FAILED BY THE FOLLOWING VOTE: AYES: 20;
NAYS: 30.
BILL KILLED.

SB 417 -- TOWE, ECK, BLAYLOCK, ET AL. -- IMPOSING AN EXCISE TAX ON THE USE OF HOTELS,
MOTELS, TOURIST HOMES, AND TOURIST CAMPGROUNDS

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON TAXATION: 02/15/83
HEARING: 3/2/83
REPORT: 03/03/83, DO NOT PASS. REPORT ADOPTED.
BILL KILLED

SB 418 -- J. JACOBSON, REGAN, TURNAGE, ET AL. -- REPEALING ADMINISTRATIVE RULES OF
THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES IMPLEMENTING THE CHRONIC
END-STAGE RENAL DISEASE TREATMENT PROGRAM AND CLARIFYING EXISTING RULEMAKING AUTHORITY
FOR THOSE RULES; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY: 02/15/83
HEARING: 2/18/83
REPORT: 02/18/83, DO PASS, AS AMENDED
2ND READING: 02/22/83 AYES: 49; NAYS: 0
3RD READING: 02/23/83 AYES: 47; NAYS: 2

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON HUMAN SERVICES: 02/28/83
HEARING: 3/16/83
REPORT: 03/17/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/21/83, BE CONCURRED IN AYES: 83; NAYS: 0
3RD READING: 03/22/83, BE CONCURRED IN AYES: 90; NAYS: 2

RETURNED TO SENATE WITH AMENDMENTS: 3/23/83
2ND READING: 04/04/83 AYES: 46; NAYS: 0
3RD READING: 04/05/83 AYES: 48; NAYS: 0

Agriculture
February 18, 1983
page 5

2 and 3 where it reads "in rule making hearings, etc., there shall be no fees, etc.", if this was stricken you would have no question of additional fees.

Mr. Fritz thought the conflict between the two bills would be taken care of with Judge Lessly's amendment.

Senator Conover moved to strike, "but not limited" page 2, line 20 & 21 and reinstate line 4 on page 3. Motion carried.

Mr. Fritz felt there was still a conflict as SB 370 section 16 page 20 and 21 was doing something different to that section of the code. The recordation procedure differs.

Hearing closed on SB 370.

SENATE BILL 233: Senator Graham moved to take SB 233 off the table. Motion carried.

Senator Graham moved SB 233 as amended DO PASS. Roll call vote was taken. There were 4 yes and 4 no votes. Motion failed. The bill will remain in Committee.

DISPOSITION OF SENATE BILL 370: Senator Conover moved the Department amendments. Motion carried.

Senator Kolstad moved to have Anne Brodsky, Committee Researcher, coordinate SB 370 with SB 401. Motion carried.

Senator Kolstad then moved SB 370, as amended DO PASS. Motion carried.

Senator Lee moved to reconsider actions on SB 370 for the purpose of adopting the Statement of Intent. Motion carried.

Senator Lee moved the Statement of Intent for SB 370 and, with Anne Brodsky, Committee Researcher, coordinating the amendments for SB 370 and 401 that SB 370 as amended DO PASS. Motion carried.

SENATE BILL 415: Senator Conover, SD 36, and sponsor of the bill, turned the hearing over to Loren E. Wiesner, Plant and Soil Science Department, Montana State University, Bozeman. He said they would like to have indigenous species in the seed law and change the word "seed processing" to "seed conditioning". Testimony attached as Exhibit #10.

Mr. Wiesner gave the committee copies of the changes in the bill. Exhibit #11. Most of the changes pertained to labeling and conditioning.

There were no opponents.

Senator Conover recommended they be sure to take out oxide daisy.

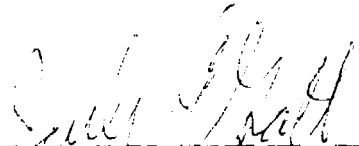
Mr. Wiesner replied that he had talked to Mr. Kelly, Department of Agriculture, and he thought they should leave it alone.

Senator Aklestad asked if all the rest of the seeds in the bill have to state which state they came from. He was told not unless it is a legume seed. They do not have to do this with alfalfa. It is important to determine location of which state the seed came from because some will grow in Montana but will not spread. The bill is just addressing seeds used for reclamation. There are some species being used that are not native but are naturalized.

DISPOSITION OF SENATE BILL 415: Senator Lane moved SB 415 DO PASS. Motion carried.

DISPOSITION OF SENATE BILL 355: Senator Ochsner moved SB 355 DO PASS. Motion carried unanimously.

There being no further business, the meeting adjourned.



Jack E. Galt, Chairman

ROLL CALL

AGRICULTURE COMMITTEE

48th LEGISLATIVE SESSION - - 19 83

Date 2-18-83

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary	✓		

Each day attach to minutes.

DATE Feb. 18, 1983

COMMITTEE ON Agriculture

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Les Graham	Dept of Husbandry	HB 825	✓	
Gary Gingery	Dept of Agric	HB 85	✓	
W W Leedy	Water Court	SB 401	✓	
John C Chaffin	Water Court	SB 401	✓	
K. M. Kelly	Mont. Water Develop. Assn	SB 370 SB 401	✓	
M. J. ...	Mont. Water ...	SB 370 SB 401	✓	
Bill Romine	clocks & Recorders	SB 401	✓	
Steve Meyer	MACD	SB 370	✓	
Loren Wiesner	Plant and Soil sci. Dept Mont State	SB 415	✓	
Don ...	DRK	SB 401	✓	
Bill Asher	APA - PCA - SCPA	SB 401 SB 401	✓	
John ...	Mont. ...	SB 370 SB 401	✓	
K. M. Kelly	Dept of ...	SB 370 HB 85	✓	
John Sully	...	401	✓	



DEPARTMENT OF PLANT & SOIL SCIENCE

EF #10
2/18/83
19

COLLEGE OF AGRICULTURE MONTANA STATE UNIVERSITY, BOZEMAN 59717

February 17, 1983

TO: Senate Agricultural Committee

FROM: Loren E. Wiesner, Plant and Soil Science Dept.

RE: Senate Bill 415 - Montana Seed Law Changes

With this legislation we would like to accomplish two objectives: (1) to include indigenous species in the seed law and (2) to change the word "seed processing" to "seed conditioning."

Indigenous species are used for reclamation purposes. At the present time these species, such as fourwing saltbush, winterfat, skunkbush sumac, and others, are not required to be labeled unless they are also considered agricultural seed. This bill defines indigenous species and requires similar labeling information as for agricultural seed, except that (1) percent weed seeds and other crop seeds have been combined and called percent other seeds, (2) the 2 percent maximum allowable weed seeds prohibition has been removed for indigenous seeds, (3) seed lots will be labeled for percent viability instead of percent germination, and (4) oxeye daisy would be removed from the restricted noxious weed list, as it is presently being used for reclamation purposes. Percentage of other crop seed is being used because many of the species we consider weed seeds for agricultural uses are considered crop seed for reclamation purposes. The 2 percent weed seed limitation would need to be removed for indigenous species as some of the species used are considered weeds in the present law.

Many of the species used for reclamation purposes are difficult to germinate or procedures have not been developed for germination; therefore, these species are best labeled for percent viability.

Because of these exceptions for labeling of indigenous species, it is important that the label also displays the statement: "Labeled for reclamation purposes only."

The second part of this bill is to change the word "processing" to "conditioning" which more accurately describes what is accomplished when seed is cleaned. The American Seed Trade Association suggests that seedsmen and others use the words "conditioning" rather than "processing" to describe activities that do not change the form or nature of seed. Such activities merely condition the seed for distribution for planting purposes. The term processing implies that a product has been "manufactured" or changed in physical form. Seeds for planting are raw agricultural products and they have not been processed.

We strongly seek your favorable consideration for making these needed changes.

LEW/plh

Exhibit #11
2-15-83
A-T

Senate Bill 415 "An Act to revise and clarify certain sections relating to agricultural seeds"

Introduction:

Senate Bill 415 adds a new section whereby indigenous or native seeds must be properly tested by an official seeding laboratory. Under this proposal the seed must then be labeled properly before offering the indigenous or native seed for sale. All references to recleaned/recleaning, reprocessing/processing/cleans are changed to conditioned, conditioning, reconditioning, condition. By using the word condition, recondition or conditioning will bring the seed agriculture in line with federal seed law terminology.

Proposed changes:

Section 1. Section 80-5-101

page 1 line 14 }
page 1 line 19 } housekeeping changes
page 1 line 23 }

page 2 lines 2-5 new section - indigenous or native seed definition

page 2 lines 6 & 18 housekeeping change

page 4 lines 9, 13-14 housekeeping change

page 4 line 20-23, 25 new language

page 5 line 2-5 new language

page 5 lines 6, 9, 11, 12 housekeeping change

Section 2. Section 80-5-102 Labeling of Agricultural Seeds

page 6 line 6 & 7, 10-14 housekeeping change

Section 3. Section 80-5-104. Labeling of vegetable, flower and indigenous seed.

page 11 lines 3 & 4 new language - indigenous seeds

page 12 lines 12-25 new language

page 13 lines 1-20 new language

Section 4. Section 80-5-107 Exemptions

page 14 line 2 change recleaned to conditioned

Note: The remaining changes in Senate Bill 415 change:

recleaned to conditioned
recleaning to conditioning
reprocessing to reconditioning
processing to conditioning
cleans to conditions

Section 8. Section 80-5-203 Dealer's license-exception-fees-application-violation

page 18 line 24-25 }
page 19 line 1 } delete

STANDING COMMITTEE REPORT

February 18 19 83

PRESIDENT

MR.

AGRICULTURE, LIVESTOCK & IRRIGATION

We, your committee on.....

SENATE

415

having had under consideration Bill No.

SENATE

415

Respectfully report as follows: That..... Bill No.

DO PASS

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. KOEHNKE asked for an explanation of gravity flow systems. Mr. Kennedy replied in his area, 93,000 acres of land are sprinkler irrigated via gravity flow at a direct savings to the farmers. He said the irrigation district only provided water to the pump, adding the system is financed through a water company formed by the farmers, themselves, which charges an assessment for the special improvement district within the district.

REP. SPAETH asked Mr. Ellis if the districts wanted to charge more than \$5. Mr. Ellis replied the intent of the bill was to cover administrative costs, adding some districts need more funds than others.

REP. SPAETH asked if landowners would get much for their \$25 assessment if such a cap were set. Mr. Ellis explained drains must be maintained in addition to other duties, adding land owners would definitely receive full benefit of the assessment.

REP. BLISS asked how a vote was arrived at in irrigation districts for gravity flow assessment. Mr. Kennedy advised the members who receive the benefit would pay for the assessment.

REP. JENSEN asked if the assessment would be collected by the county treasurer. Mr. Kennedy replied it would be.

IN CLOSING, Sen. Hazelbaker told the Committee he would assign a representative to carry the bill if it were concurred in.

SENATE BILL 415. SEN. MAX CONOVER, District 36, Yellowstone County, testified as sponsor of the bill, which cleans up language in the seed law for grasses planted in reclamation areas. He said page 2, line 2 of the bill includes seeds for revegetation of disturbed sites since some grasses brought from other states are not adapted to the area and provided committee members with a letter from Loren Wiseman, Plant and Soil Science Department, Montana State University (exhibit).

PROPOSERS

There were no proposers of the bill.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

REP. SPAETH asked why page 6 was amended and if it would be possible to clarify language whereby a person offering seed for sale make certain it is labeled. Sen. Conover replied he would have no objection to such a change, adding any noxious weed sold in seed cannot be sold as pure.

REP. HOLLIDAY asked what recourse a purchaser would have if impure seed were received. Sen. Conover advised the individual could consult the the Department of Agriculture for recourse.

IN CLOSING, Sen. Conover appointed Rep. Spaeth to carry the bill if it were concurred in.

SENATE BILL 259. SEN. JUDY JACOBSON, District 42, Butte, testified as sponsor of the bill which would reestablish the Board of Livestock, and explained various sections of the bill to the Committee. She said Sections 1 and 2 reestablish the Board; page 8, line 8 removes a requirement for transmittal of taxes, as it is addressed in another bill; Section 4, page 8, lines 21 allows the Department of Agriculture to set fees by Departmental rule; Section 5, page 9, line 13, requires only certain brand inspectors to take exams and allows slaughterhouse fees to go the the earmarked revenue fund instead of the general fund; Section 10, page 16, line 19, is a repealer requiring inspection of each animal prior to sale; Section 12, page 23, line 10, clarifies costs to be held by the Department for strays and provides procedures for bringing strays to market; page 25, line 19, increases per diem to \$25 per day; Section 24, page 29, provides authority to charge a fee for mile permits and administrative costs thereof; and Section 29, page 34, line 17, repeals bonding requirements as they are duplicated at the federal level.



DEPARTMENT OF PLANT & SOIL SCIENCE

COLLEGE OF AGRICULTURE

MONTANA STATE UNIVERSITY, BOZEMAN 59717

February 17, 1983

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LEW/plh

Agriculture Committee Minutes
March 16, 1983
Page 2

REP. SCHULTZ moved the bill Be Concurred In as Amended.
Rep. Ryan seconded the motion which, was unanimously
approved.

SENATE BILL 278. REP. LYBECK moved the bill Be Concurred
In. Rep. Ernst seconded the motion. All members voted
aye except Rep. Koehnke, who voted no. Rep. Lybeck was
asked to carry the bill.

SENATE BILL 279. REP. SPAETH moved the bill Be Concurred
In. Rep. Roush seconded the motion, which was unanimously
approved.

SENATE BILL 294. REP. ERNST moved the bill Be Concurred
In. Rep. Lybeck seconded the motion which was unanimously
approved.

SENATE BILL 415. REP. SPAETH moved the bill Be Concurred
In. Rep. Saunders seconded the motion.

MR. JOHN MACMASTER, Legislative Council Attorney, advised
the Committee page 6, line 7, prior to "package", "any"
should be inserted since the bill is presently too vague
as to who is to label a package, parcel or lot.

REP. SCHULTZ asked if the language would cover repackaging.
Mr. MacMaster replied it would.

REP. SPAETH said the language was awkwardly worded before
and the original amendment was to make certain a person
offering seed for sale would be responsible.

CHAIRMAN JACOBSEN asked if the bill would eliminate
bartering. Rep. Spaeth suggested insertion of language
to address trade.

REP. HOLLIDAY moved, following "Any" on page 6, line 7
of the bill, "person offering for sale a", be inserted.
Rep. Spaeth seconded the motion which was unanimously
approved by the Committee.

REP. KOEHNKE told the Committee lines 7-11 on page 5
address bartering.

CHAIRMAN JACOBSEN told the Committee House Bill 401
would be considered in executive action on March 18,
and House Joint Resolution's 34 and 35, on March 21, 1983.

MARCH 16 19 83

MR. SPEAKER:We, your committee on AGRICULTUREhaving had under consideration SENATE Bill No. 415THIRD reading copy (BLUE)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
CERTAIN SECTIONS RELATING TO AGRICULTURAL SEED; AMENDING
SECTIONS 80-5-101, 80-5-102, 80-5-104, 80-5-107, 80-5-112,
AND 80-5-201 THROUGH 80-5-204, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 415

Be amended as follows:

1) Page 6, line 7.

FollowingL "Any"

Insert: "person offering for sale a"

AND AS AMENDED
BE CONCURRED IN

DUPRESS

REP. GLENN JACOBSEN

Chairman.